

**U.S. Environmental Protection Agency  
Public Water System Supervision Program  
Drinking Water Treatment Revolving Fund Set-Aside Funded Activities  
Federal Fiscal Year 2002 Report**

**West Virginia Department of Health and Human Resources  
Office of Environmental Health Services  
Environmental Engineering Division**

**Date**

A review was conducted for the Public Water System Supervision (PWSS) and Drinking Water Treatment Revolving Fund (TRF) programs of the West Virginia Department of Health and Human Resources (WVDHHR) for Fiscal Year (FY) 2002. As a result of previous deficiencies, the State has been operating under a 1999 Corrective Action Plan. WVDHHR continues to report on the remaining activities from this plan, staff vacancies and Ground water Under the Direct Influence (GUDI) determination status.

There has been major progress in recruiting staff to fill Environmental Engineering Division (EED) vacancies needed for support of the Safe Drinking Water Program. Since July 2002, out of the 11 remaining vacant positions, 6 of those have been filled. Data deficiencies have decreased dramatically and improvement has been made in overall program effort and tracking since the last data verification conducted in 1997. The considerable decrease in the number of systems with violations as well as the number of violations per system is attributed in part to hiring more employees over the past few years. GUDI determinations are almost complete. The percentage of completed GUDI determinations for community water systems (CWS) and non-community water systems (NCWS) has remained the same for the most part since the last evaluation report (i.e., CWS 85%; NCWS 84%). This is due to recent drought conditions in the state which has slowed progress in testing. The remaining systems are still testing or have switched to new supply intakes (e.g., purchasing water). WVDHHR has begun taking enforcement actions with systems failing to complete the testing and is hopeful to have GUDI determinations completed for all systems by the end of 2004.

WVDHHR is to be commended for their efforts to stay on top of adopting new regulations. They have interim primacy for the Interim Enhanced Surface Water Treatment Rule (IESWTR), Consumer Confidence Report (CCR) and Stage 1 Disinfectant/Disinfection Byproducts (D/DBP) Rule. They have taken a proactive monitoring approach by sending out letters encouraging small systems to monitor for Total trihalomethanes (TTHMs) and Haloacetic Acids (five) (HAA5s) under the Long Term 1 Enhanced Surface Water Treatment Rule, and radiological contaminants under the new Radionuclides Rule. In doing so, they hope to identify systems needing to install treatment before the new TTHM and HAA5 maximum contaminant levels (MCLs) take effect for all systems, and to encourage early compliance for radiological contaminants.

It was discovered during the June 2002 data verification that WVDHHR is practicing improper policy regarding triennial sampling for the Lead and Copper Rule (LCR). The state insists that they were given verbal approval from EPA to allow PWSs to collect LCR samples “within” a three year compliance period, as opposed to once “every” three years as stated in the Federal Regulations. EPA strongly suggests that WVDHHR comply with collecting LCR samples once every three years unless they can produce record of receiving verbal or written confirmation from EPA that sampling within a three year period is in compliance with federal standards.

Under the TRF set-aside funded activities, WVDHHR’s Operator Certification Program was submitted and approved. Their Capacity Development Report to the Governor was submitted on time, thus, avoiding a 20% loss of their TRF grant. West Virginia is successfully implementing their Capacity Development Authority Program. They assessed their 737 community and non-community water systems and submitted the baseline priority ranking for these systems. WVDHHR worked with eight small “non-viable” systems to consolidate TMF (technical, managerial, financial) capabilities into the McDowell County Public Service District to promote more viable water systems in McDowell County.

WVDHHR expects to complete the majority of their source water assessments by the deadline of May 1, 2003. It is unlikely that the small ground water CWSs serving less than 250 people, and non-community water systems (NCWS) will be completed by the May 2003 deadline. Their biggest obstacle to completing the assessments on-time has been the length of time to get contracts in place. In some cases, it has taken more than a year for contracts to go through WVDHHR purchasing, state purchasing, and the Attorney General’s office. Another problem has been the loss of staff that have worked on the assessments. EPA encourages the state to complete all source water assessments by the May deadline.

Overall, improvements have been made in tracking and reporting data both manually and electronically. However, there is a need to institute tracking systems to increase efficiency and reporting to SDWIS/State. Now that WVDHHR is close to being at full staff in the central and district offices, there should be more focus on instituting tracking systems, especially in the areas of public notification (PN) violations including monitoring and reporting (M/R) violations, and radiological contaminants. Since the frequency of monitoring is expected to increase under the new Radionuclides Rule, WVDHHR should focus on getting a tracking system in place very soon. It should be noted that the Philippi District Office is in need of technical training on SDWIS/State. The staff are currently duplicating work in a Lotus database because of their inability to extract information out of SDWIS/State. This causes time and resources to be used inefficiently which ultimately affects program implementation.

EPA requests that the state continue to report on its staffing and GUDI status. For vacancies, a current organization chart and a list associating vacancies with one of the three funding sources, PWSS, TRF or state, and a status of filling each vacancy will suffice. GUDI reporting should include a break down of the types of systems and indicate the stage in the process each system has reached. Sanitary surveys are back on schedule. It is recommended that WVDHHR utilize newly hired staff to make sure surveys are conducted on time and are reported to SDWIS/Fed, especially for transient, non-community water systems (TNCWSs).

The following checklist covers all of the activities in the state's workplan for Fiscal Year 2002. When appropriate, the "Comments" column provides further explanation.